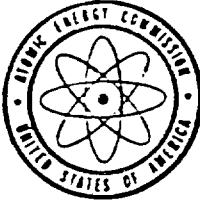


SECY-454

October 7, 1970

INFORMATION MEETING ITEM

PAYMENTS FOR CONTINUED MEDICAL STUDIES OF UTIRIK PEOPLE

Note by the Secretary

The General Manager has requested that the attached memorandum of September 29, 1970 from the Director of Biology and Medicine, with enclosed draft letter to the Department of Interior, be circulated for consideration by the Commission at the Information Meeting scheduled for October 12, 1970.

W. B. McCool

Secretary of the Commission

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UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON D.C. 20545

SEP 1978

R. E. Hollingsworth, General Manager

THRU: S. G. English, Assistant General Manager
for Research and Development

PAYMENTS FOR CONTINUED MEDICAL STUDIES OF UTIRIK (MARSHALLESE)
PEOPLE

As you know, we support a long established program of periodic medical surveys of the Marshallese people, who were accidentally exposed to fallout radiation during the 1954 weapons test activities, which is conducted by Dr. Robert A. Conard of the Brookhaven National Laboratory. The data developed from these medical examinations have proved to be extremely valuable from the standpoint of increasing our knowledge of biological radiation effects, as well as rendering an important medical service to the individuals involved, and these studies are planned to be continued for as many years as deemed necessary and useful.

Recently Dr. Conard has become increasingly concerned over the fact that the Utirik people are beginning to insist on some sort of recompense for being exposed to the fallout radiation. This stems at least in part from the fact that the U.S. Congress passed an Act* approving payment to the Rongelap people (of approximately \$11,000 per individual) in recompense for this population's exposure to fallout radiation. The Utirik people were exposed to a far lower level of radiation than were the Rongelap (estimated gamma dose, Rongelap - 175 rads; Utirik - 14 rads). Dr. Conard reports that when he attempted to explain to the Utirik people the small amount of radiation they had received, their response was to the effect that since they had received a "little bit" of radiation, they should receive a "little bit" of money. Dr. Conard believes that a token payment to each of the Utirik people involved, including descendants of deceased, would accomplish a great deal in assuring their future cooperation in the periodic medical examination program. He suggests a payment of \$100 per person and

*P.L. 88-485 enacted August 22, 1964, entitled "To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands." (Sum not to exceed \$950,000.)

since 157 people are involved this would amount to about \$16,000. He further recommends that such a payment be clearly identified as an "inconvenience payment" and disassociated completely from any recompense by virtue of these people being subjected to fallout radiation.

Dr. Conard outlined this problem before the Advisory Committee for Biology and Medicine at its 134th meeting in May 1970, and the ACBM in its report of that meeting to the Chairman, AEC, made the following statement:

"At its executive session, the ACBM recommended that consideration be given to the development of some mechanism for payment to the Utirik population as research subjects in a way to assure their continued cooperation with the investigation of the Marshallese people accidentally exposed to radioactive fallout in 1954. It is clear that the mechanism for payment would have to avoid the connotation that this was in compensation for radiation exposure, in view of the low dose of radiation received by the Utirik population."

Because of the importance of continuing this study of the biological effects of radiation on one of the few groups of populations available for this purpose, I strongly urge approval of Dr. Conard's recommendation for an "inconvenience payment" to be funded from the budget of the Division of Biology and Medicine. However, it is recognized that there may be a certain amount of sensitivity related to such action and I am, therefore, enclosing a draft of a proposed letter to the Department of Interior to obtain their agreement to this approach. Informal discussions with representatives of the Trust Territory indicate no serious objection to the proposal.

Dr. Conard and his team plan a revisit to the Marshall Islands starting approximately October 20, 1970, for continuation of the medical examination program, and I am hopeful we can provide him with a favorable reaction to his proposal prior to his departure.

R. E. Hollingsworth

We request your approval of this proposal. You may wish to bring the matter to the attention of the Commission because of its possible sensitivity.

We plan to notify the JCAE of this action after it has been approved.

John R. Totter
John R. Totter, Director
Division of Biology and Medicine

Enclosure:
Proposed ltr to Interior

D R A F T

Mrs. Elizabeth P. Farrington
Director, Office of Territories
Department of the Interior
Washington, D.C. 20204

Dear Mrs. Farrington:

You may recall that in your letter to me of September 16, 1969, you made reference to Dr. Robert A. Conard's recommendation for some compensation to the Utirik people and furnished me comments of Trust Territory officials on this subject.

As you know, Dr. Conard continues to conduct periodic medical examinations of the Marshallese people who were subjected to the 1954 fallout radiation, and his current plans are to revisit those islands for this purpose late in October of this year. He is still very much interested in obtaining approval for a token payment to the Utirik people to assure their continued cooperation in these important medical studies. He has discussed this matter with the High Commissioner and other officials of the Trust Territory and feels that they are sympathetic to this approach. Dr. Conard further believes that a payment of about \$100 to each of the 157 Utirik people involved or their next descendant would constitute an acceptable amount and that such payment, if made, should be clearly identified as an "inconvenience payment" and disassociated completely from any idea of recompense for having been subjected to fallout radiation.

Mrs. Elizabeth P. Farrington

Because of the great importance that we place on the continuation of these studies, we endorse Dr. Conard's proposal; and the AEC¹ is prepared to provide approximately \$16,000 for this purpose. We assume that, if approved, the funds would be made available by transfer to the Trust Territory for appropriate distribution to the individuals concerned.

In this regard, to preclude the possibility that a payment received by a Utirik might be deemed to constitute an acknowledgment by the Government that a compensatory claim for radiation had occurred, we request the opportunity to review any proposed voucher or receipt form to be used.

We are uncertain as to how to proceed further at this point and would appreciate your advice and guidance in this matter.

Sincerely,

John R. Totter, Director
Division of Biology and Medicine

cc: Mr. Edward Johnston
High Commissioner
Trust Territories of the
Pacific Islands
Saipan, Mariana Islands 96950